

Bail Video Role Plays

Role Play # 1 – Commonwealth v. Alan Sharpe

Judge Mark Mason

All characters and events depicted in this role play and its video are entirely fictitious. Any similarity to actual events or persons, living or dead, is purely coincidental

Defendant, Alan Sharpe, is charged with Manslaughter While Operating a Motor Vehicle (OUI) pursuant to G.L. c. 265, § 13 ½; Leaving the Scene of Personal Injury (G.L. c. 90, § 24(2) (b)); Distribution of a Class D Substance, Marijuana, With the Intent to Distribute (G.L. c. 94C, 32C); Operating Under the Influence of Liquor (second offense) (G.L. c. 90, §24); and Operating After Suspension of License (G.L. c. 90, § 23).

The Commonwealth alleges as follows:

At approximately 7:00 AM on January 1, 2019, Mr. Sharpe was operating his 2008 Ford F-250 truck eastbound on Route 9 in Natick. A witness observed as Mr. Sharpe drove through a red light at approximately 80 mph striking a vehicle operated by Eileen O’Toole. At the time, Ms. O’Toole was making a lawful right turn onto Route 9. Ms. O’Toole was killed upon impact. Mr. Sharpe received minor injuries and was transported to the Newton/Wellesley Hospital where a blood test revealed a blood alcohol level of .30. Inside Mr. Sharpe’s motor vehicle, the police located and seized a quart-sized plastic bag containing 25 individually wrapped bags of marijuana. The police seized \$975 from Mr. Sharpe’s pants pocket, as well. Mr. Sharpe was arrested at the hospital and taken into custody.

Mr. Sharpe admits Ms. O’Toole died as a result of the accident and otherwise denies the allegations.

Mr. Sharpe is a 35-year old, single, white male. He owns a small excavation company in Natick, where he resides in a home which he owns and which he shares with his mother. Mr. Sharpe reports annual income in excess of \$200,000. He owns his home, and two vehicles. Mr. Sharpe has hired private counsel to represent him.

Mr. Sharpe has a CARI consisting of the following:

1. Two prior arrests for Operating After Suspension of License in 2002 and 2010, both of which resulted in dismissals;
2. A charge of OUI (first offense) which resulted in a CWOFF pursuant to G.L. c. 90, § 24D in 2017. Mr. Sharpe’s 1-year probationary period terminated 2 months prior to the incident at issue;
3. A charge of Leaving the Scene After Causing Personal Injuries which arose out of the OUI (first offense) and which resulted in a CWOFF and 1-year probationary period concurrent with the CWOFF on the OUI in 2017;

4. Two appearance defaults relating to the OUI and Leaving Scene charges. The first related to Mr. Sharpe's failure to appear at PTH. That default was removed one day after its imposition whereas Mr. Sharpe's counsel acknowledged that he had provided Mr. Sharpe with the wrong date. The second default was on the trial date. That default was removed after Mr. Sharpe was picked up on a default warrant two days after the trial date. No rationale is offered for Mr. Sharpe's failure to appear at trial other than cold feet. Mr. Sharpe admitted to sufficient facts when he was brought into court after spending the night in custody at the HOC; and
5. A 209A Restraining Order brought by a former girlfriend in 2004 and which terminated in 2005. He has no out-of-state record

Role Play #2 – Commonwealth v. Dequon Salim

Judge Charles Groce

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Defendant, Dequon Salim, is charged with Illegal Possession of a Firearm (G.L. c. 269,10(a), G.L. c. 269, § 10(d) (Subsequent Offender) and G. L. c. 269, § 10G (Armed Career Criminal)); Unlawful Possession of Ammunition Without an FID Card (G. L. c. 269, § 10(h) and G. L. c. 269, § 10G) (Armed Career Criminal); and Resisting Arrest (G.L. c. 268, 32B).

The Commonwealth alleges as follows:

On December 21, 2018, Springfield police received a shot spotter dispatch for 2-shots fired in the vicinity of the intersection of Armory and Worthington Streets. A 911 caller reported seeing an African American male, approximately 5’10” and wearing a black hoodie quickly running through the intersection shortly thereafter. The police responded to the scene and found shell casings located in the intersection, but saw no one at the scene meeting the description provided. Officers Jones and Smith canvassed the area and, approximately 3 blocks away, observed Mr. Salim walking down the sidewalk. It was 23 degrees and he had his hands in his pockets. When the police cruiser approached Mr. Salim, he walked quickly down a driveway and behind an apartment building. He had a significant limp. The police maintained that Mr. Salim appeared to be holding something under his coat and around his waist. Officer Smith took chase and apprehended Mr. Salim as he attempted to climb a fence at the rear of the apartment building yard. Mr. Salim pushed Officer Smith away from him screaming, “I did nothing. You killed my cousin.” Officer Smith handcuffed Mr. Salim and placed him in the back of his cruiser. Officer Smith immediately returned to the rear yard. He found nothing. On the other side of the fence, approximately 20 feet into the adjacent yard, Officer Smith located a fully loaded Glock pistol. When he returned to the cruiser and asked Mr. Salim if the gun was his, Mr. Salim stated that he knew nothing about a gun. Mr. Salim was arrested and taken into custody.

Mr. Salim is a 27-year old African American male who resides with his mother and two sisters in the apartment building where he was stopped. He is unemployed and has been diagnosed with Bi-Polar Disorder. He does not treat for his mental health condition. Mr. Salim suffers from diabetes and recently underwent surgery to his right foot stemming from his diabetes.

Mr. Salim has a CARI consisting of the following: 1. 2012 convictions for Illegal Possession of Firearm; Unlawful Possession of Ammunition Without an FID Card; Possession With Intent to Distribute a Class B Substance, Cocaine; and Assault and Battery by Means of a Dangerous Weapon, to wit a Firearm. The 2012 convictions stemmed from one incident. Mr. Salim was sentenced to 3 years to 3 years and one day MCI Cedar Junction on the 2012 convictions; 2. Delinquencies over the period 2003 – 2005 for Disturbing School Assembly and Assault and Battery for which Mr. Salim was committed to DYS for a period of 3 months and was subsequently placed on probation. He successfully completed probation.

Role Play #3 – Commonwealth v. Eileen Krauss

Judge Tracy-Lee Lyons

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Defendant, Eileen Krauss, is charged with Mayhem (G. L. c. 265, § 14) and Assault and Battery By Means of a Dangerous Weapon, to wit a pair of scissors (G. L. c. 265, § 15A).

The Commonwealth alleges as follows:

On December 25, 2018, Ms. Krauss and her partner, Bob Cook, were celebrating Christmas in their apartment in Malden with Ms. Krauss's 1-year old daughter, Sara. Sara's father, Elliot Beardsley, and Ms. Krauss were in a relationship for 2 years. They broke up shortly after Sara was born. Ms. Krauss and Mr. Cook have lived together since they met 10 months ago.

At noontime, Ms. Krauss and Mr. Cook smoked marijuana. Shortly thereafter, Ms. Krauss received a text from Elliot asking that he be able to stop by in order to give Sara a gift. Ms. Krauss wrote back, "Your being here on Christmas will be gift enough for our little angel." Ms. Krauss put her phone down on the kitchen table and went into Sara's bedroom in order to check up on her. Mr. Cook picked up Ms. Krauss's phone and saw the texts between Ms. Krauss and Mr. Beardsley. Mr. Cook had long been jealous of Mr. Cook and his blood began to boil. He ran into Sara's bedroom and confronted Ms. Krauss accusing her of having an affair with Mr. Beardsley. Ms. Krauss was shocked and incensed at his accusations. They began to scream at each other as Sara watched from her crib. Ms. Krauss yelled at Mr. Cook to leave the house. He grabbed her arm and the two began to push and shove each other. Their fighting intensified uncontrollably. They disengaged, and Mr. Cook momentarily turned away from Ms. Krauss. When he turned back toward Ms. Krauss, she took a pair of scissors out of her pocket and slashed Mr. Cook across the length of his face causing severe disfigurement to him. Bleeding, Mr. Cook managed to run out of the house. A neighbor saw him and called 911. Ms. Krauss was arrested at the scene and taken into custody.

Ms. Krauss is 25-year old white female. Ms. Krauss suffers from anxiety disorder and takes medication for her mental health condition. She has received SSDI since she was 23 and has not worked for 3 years. She depends upon SSDI and Mr. Cook to meet her living expenses, as well as those for Sara.

At the time of her arrest, Ms. Krauss was serving a two-year term of straight probation stemming from a 2017 charge for Assault and Battery (Domestic) (G.L. c. 265, § 13M) involving Mr. Beardsley.